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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May-1 June 2001
Item 5 of the provisional agenda

REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Report of the Asian-Pacific regional seminar of experts on migrants and trafficking in persons with particular reference to women and children

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report of the Asian-Pacific regional seminar of experts on migrants and trafficking in persons with particular reference to women and children.

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Annex

ASIAN-PACIFIC REGIONAL SEMINAR OF EXPERTS IN PREPARATION FOR THE WORLD CONFERENCE AGAINST RACISM: MIGRANTS AND TRAFFICKING IN PERSONS WITH PARTICULAR REFERENCE TO WOMEN AND CHILDREN

(Bangkok, 5-7 September 2000)

Chairperson-Rapporteur: Justice P.N. Bhagwati

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Introduction

1. In preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the High Commissioner for Human Rights, in her capacity as Secretary-General of the World Conference, has been called upon by the General Assembly and the Commission on Human Rights to help States and regional organizations, upon request, to convene national and regional meetings, or to undertake other initiatives including at the expert level.

2. By the time the World Conference will be convened in South Africa, the High Commissioner for Human Rights will have held five regional expert seminars: for the Western region (in close cooperation with the Government of Switzerland); Central and Eastern Europe (the Government of Poland), Asia and the Pacific (the United Nations Economic Commission for Asia and the Pacific (ESCAP), Africa (the United Nations Economic Commission for Africa (ECA)) and Latin America and the Caribbean (the United Nations Economic Commission for Latin America and the Caribbean (ECLAC)).

3. The Commission on Human Rights, in its resolution 2000/14, requested the regional preparatory process to identify "trends, priorities and obstacles in combating racism, racial discrimination, xenophobia and related intolerance." In accordance with this request, the regional seminar for Asia and the Pacific, entitled "Asian-Pacific Regional Seminar of Experts in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: migrants and trafficking in persons with particular reference to women and children".

4. The Asia-Pacific Regional Seminar of Experts in preparation for the World Conference against Racism: Migrants and Trafficking in persons with particular reference to women and children was held from 5 to 7 September 2000 in Bangkok. The objectives of the seminar were: to consider some of the key issues of racism, racial discrimination, xenophobia and related intolerance in the region; to exchange information on best practices and discuss action-oriented strategies; to make suggestions and recommendations to the second session of the Preparatory Committee and the World Conference itself; and to create a groundswell of governmental, institutional and public support for the World Conference and its objectives. Twelve experts from the region were invited to present papers on the respective agenda items; their names appear in the list of participants at appendix I.

5. The present report, submitted pursuant to Commission resolution 2000/14, is intended to convey the substance of the papers, presentations, discussions and recommendations which emanated from the expert seminar.

6. Following presentations by the experts and the discussion of the various issues pertaining to the theme of the expert seminar, and with the involvement of the participants, the experts agreed upon a set of conclusions and recommendations which reflected the issues set out in the papers and presentations and raised during the discussions. Appendices I, II and III to the present report set out, respectively, the list of participants, the agenda of the seminar and the list of documents.

I. OPENING OF THE SEMINAR

A. Message from the High Commissioner for Human Rights

7. The seminar was opened by the Deputy High Commissioner for Human Rights, Bertrand Ramcharan, who presented the message of the High Commissioner. In her message, the High Commissioner stated that the diversity of race and culture should not become a limiting factor in human exchange and development; rather, there should be a realization that it is the interchange between great traditions of human spirituality that offers the best prospect for the persistence of the human spirit itself. She underlined that the findings and recommendations of the seminar and related meetings and conferences in various parts of the world would help to draft the declaration and programme of action which would be placed before for the World Conference.

8. The High Commissioner expressed particular concern at the harsh treatment meted out to the children and families of migrants, the fear and dislike of foreigners reflected in both the private and public sectors, and the treatment of trafficked persons as criminals. Such practices, she said, are of grave concern when they become institutionalized and are reflected in the actions of law enforcement officials or the judiciary. The entry into force of the International Convention on the Protection of the Human Rights of All Migrant Workers and Members of their Families should be a major step forward in the efforts of the international community to protect migrants. The High Commissioner appealed to Governments in a position to do so to ratify the Convention as soon as possible, so that its protective regime could be brought to bear upon the millions of migrants workers in the various parts of the world.

9. The High Commissioner underscored that for victims of trafficking the problem was even more acute. Sometimes, large numbers of women, children and men who are the victims of trafficking belong to a particular faith, descent or occupation. Every year hundreds of thousands of women, children and men are tricked, sold, forced or coerced into situations of exploitation from which they cannot escape. Women and children are most vulnerable to trafficking. They are treated like commodities in a transnational industry which generates billions of dollars and operates, for the most part, with impunity.

10. The High Commissioner stressed that while human trafficking is a violation on its own, it can include violations of a whole range of human rights and that it is often the result of wide-spread poverty, discrimination and social exclusion which ruined the lives and destroyed the choices of many of the world's women, children and men.

11. She invited participants to consider the following questions with a view to formulating assessments or recommendations for consideration at the World Conference:

(a) What are the dimensions of migration and trafficking in the region?

(b) What issues pertaining to migration and trafficking should engage the attention of the World Conference?

(c) How can the international community promote policies and attitudes that would encourage respect for the dignity of migrants and stamp out the pernicious practice of trafficking?

(d) What special measures need to be taken to bring urgent relief to women and children in these situations?

(e) What concrete recommendations would you wish to be considered by the World Conference?

(f) How should the multiple and complex exploitation of trafficking in persons belonging to a particular race, colour, descent, national or ethnic origin be tackled?

B. Statement by the representative of the United Nations Economic and Social Commission for Asia and the Pacific

12. Mr. Nibhon Debavalya, Officer-in-charge a.i. of the secretariat of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), addressed the seminar. He noted that in Asia and the Pacific, many countries had become parties to the International Convention on the Elimination of All Forms of Racial Discrimination and other human rights treaties and declarations and had also enacted national legislation and other measures to prevent and punish racism and racial discrimination. The reality on the ground was very different. Racism had its roots deep in ignorance, contempt for others, a superiority complex and the drive for domination. He added that social and economic factors often contributed to racism and racial discrimination, and he cited examples of discrimination against migrants, social exclusion of certain groups and inequality along racial and ethnic lines.

13. He highlighted the important role that ESCAP had played and would continue to play in providing technical assistance to Member States in their efforts against trafficking in women and young persons, such as undertaking studies related to the protection of the rights of migrants, promoting social integration, and promoting the status and participation of women in development. Mr. Debavalya called on the seminar to examine some of today's profound challenges such as globalization and its risks, including exclusion and inequality.

C. Election of the Chairperson-Rapporteur

14. Justice P.N. Bhagwati, Regional Adviser for Asia to the High Commissioner for Human Rights and Vice-Chair of the United Nations Human Rights Committee, was elected Chairperson-Rapporteur of the seminar by acclamation.

D. Adoption of the agenda

15. The provisional agenda of the seminar, which is reflected in the topics of the expert presentations and discussions summarized below, was adopted without a vote.

II. TOPIC I. DISCRIMINATION AGAINST MIGRANTS IN THE ASIAN REGION: GENERAL TRENDS, PRIORITIES AND OBSTACLES IN COMBATING RACISM AND RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

16. Mr. Ronald Skeldon presented a paper entitled "Discrimination against migrants in the Asian region: general trends, priorities and obstacles" (HR/BKK/SEM.3/2000/BP.1). In his paper and presentation he cited some of the most important facets of the very complex topic of discrimination against migrants in the Asian-Pacific region.

17. He stated that migration was one of the fundamental forces generating discrimination and its more extreme forms of racism and xenophobia. Migration was the means through which groups, previously separated in space, were brought together, thus creating the conditions in which the critical issues of identity and difference, and of Self and Other, developed. He cautioned that this statement should not imply that all people being discriminated against are migrants or that all migrants are discriminated against. Nevertheless, he argued that migration is an integral, and increasingly important component of discrimination in the Asia-Pacific region.

18. Racism was both a cause and a consequence of migration. He stated that throughout the history of Asia, the movements of people (through expansion, warfare and trade) had always resulted in discrimination.

19. Mr. Skeldon also stated that the imposition of Western colonialism on much of Asia also played a significant role in moving peoples around and causing migration. Western ideas of superiority, reinforced by their technology and the introduction of a capitalist economy, gave those in the West the ability and the right, to move labour from one part of Asia to another. In the Asian-Pacific region today, strong prejudice towards the descendants of immigrant groups persists. He noted that not all of these groups were a creation of Western colonialism, sometimes Western colonialism extended and augmented pre-colonial movements, as in the case of much of the Chinese migration into South-East Asia.

20. Mr. Skeldon stated that in the last three decades, the economies and societies of Asian and Pacific countries had been profoundly transformed by "development". New racisms and new discriminations had evolved. These economic and political transformations were part of what today is known as "globalization" with the increasing integration of national economies promoting situations in which racism and discrimination thrived.

21. Concomitant with these economic and political transformations had been new forms of migration both within the region itself and to destinations overseas. These movements had drawn attention to the contradictions in the situation of the migrants: on one hand exploitation and vulnerability, on the other hand a position of privilege. He argued that the contradictions of "globalization" became apparent when the condition of migrants and their rights in the modern economy were examined.

22. Mr. Skeldon then focused on internal movements. He identified two major trends in migration within the Asian region over the last three decades: (i) the movement of labour to the countries of West Asia; and (ii) the increasing importance of movements among and to countries in East and South-East Asia.

23. The movements to West Asia were primarily associated with the boom in oil prices from 1973, and the impact of the migration to that region was enormous. In some societies, migrants had transformed the identity of the State itself, and in some cases, the majority had become a minority in their own State.

24. In East and South-East Asia, sustained economic growth in the face of slowing growth in the labour force brought about labour-deficit economies and the need to import labour. This led to increasing migration from around the region to newly industrializing areas and countries such as Taiwan, Hong Kong, Japan, the Republic of Korea, Singapore, Malaysia and Thailand. According to current conservative estimates, more than 6.6 million migrants live outside their country of citizenship in East and South-East Asia. These migrants are a complex mix, including professionals, students, semi- and unskilled workers, refugees and migrants returning from overseas. Each group faced its own particular forms of discrimination.

25. Central to the discussion is that no Asian country operates an immigration policy that favours settlement: all have exclusionist policies of one kind or another. Race is an underlying factor. At least one country had an immigration policy that was partly race-driven. It had looked to recruit workers among ethnic populations in other countries resembling its own, on the assumption that they would both integrate and be accepted more easily. Another country imported, legally and illegally, an invisible minority of workers from a neighbouring country to help bolster its indigenous ethnic population in the face of an economically powerful minority. Other countries would not allow the existing ethnic balance of their countries to be changed through immigration.

26. Mr. Skeldon pointed out that the exclusivity of immigration policies in Asia had created perhaps the major issue of discrimination against migrants in the region: that existing immigration policy cannot satisfy the demand for labour. The result had been a tremendous increase in illegal, unauthorized, irregular or undocumented movements of many kinds. He stated that perhaps half of the migrants in Asian countries were in an irregular situation and that the regional economic crisis of mid-1997 may have led to an increase in the number of workers in an irregular position. Mr. Skeldon explained that illegality placed migrants in a vulnerable position before the law and made them vulnerable to exploitation.

27. The first priority in respect of migration in Asia must be the reform of national immigration policies. There was a need for labour importation schemes to be extended and for the whole process to be made more transparent. A few countries in the region had begun to modify their immigration policies in various ways. Some countries, however, had voided this transparency by relying on professional and skilled labour rather than low-skilled workers, and exported much of their labour-intensive industrialization beyond their borders.

28. Trafficking was largely due to the lack of legal alternatives. Where legal procedures were too slow and costly, potential migrants turned to traffickers. He pointed out that while trafficking could be exploitative, it also represented a failure in the migration system to allocate workers to markets efficiently rather than through the aberrant form of population movements. He argued that the critical policy objective should be the elimination of trafficking through its transformation into transparent and legal labour-broking that could be monitored as required to ensure that abuses do not occur.

29. Mr. Skeldon cautioned against treating migrants as a special category in Asian societies because many Asian countries perceived themselves - usually wrongly - to be homogeneous. Further, if basic rights are not available to the indigenous peoples and other citizens, it would be difficult to argue for the "preferential treatment" of migrants. Prejudice towards immigrant groups might intensify in situations where illegal migrants, as non-taxpayers, were given access to a full range of government services. Also, singling out migrants as a special category for protection entails the danger that they become precisely that: a special category subject to special treatment, favourable, benign or prejudicial. But just as they should not be treated as a privileged group, there must be no question of denying them their basic rights because of their migrant status. He argued that the limited objective should be that migrants receive the basic protections accorded to all residents of a country.

30. Mr. Skeldon stated that female migrants are seen to be particularly vulnerable to exploitation. He noted the argument that strongly patriarchal societies are also those societies where racism is most deeply entrenched. Both are manifestations of the same phenomena: the sharp and institutionalized division of power between groups. The social construction of racial characteristics had parallels with the social construction of gender roles. However, the majority of trafficked persons were men, not women. And while the issue of choice was open to debate, the fundamental issue was a lack of alternative opportunities for women in either the rural or urban sectors of developing countries.

31. He emphasized again that the key point is legality and transparency rather than suppression. Once an activity was legal, it could be monitored, and the practitioners were then less vulnerable to exploitation and abuse.

32. In the Asian and Pacific region, as elsewhere, the forces of globalization or development had brought together new groups in new situations to create new identities. Feelings of difference that were easily translated into racism had emerged throughout the region. Those feelings could lead to open conflict in times of crisis. He hypothesized that only vibrant economies in the context of strong administrations had been able to maintain a spirit of national tolerance. Where economic and political crises arise, that national spirit was likely to erode and conflict based on race and ethnicity could quickly emerge.

III. TOPIC II. THE HUMAN RIGHTS OF MIGRANTS: THE PRINCIPLE OF NON-DISCRIMINATION, SOCIAL RESPONSIBILITY AND DEVELOPMENT

33. Mr. Piyasiri Wickramasekara presented a paper entitled "Migrant workers in Asia and the Pacific: issues in human rights and the principle of non-discrimination" (HR/BKK/SEM.3/2000/BP.2). He pointed out that the term "migrants" appeared to be broader than the term "migrant workers" and was increasingly used in international discussions of human rights. He argued that this marked a departure from addressing the issue of migrant workers under the rubric "protection of the rights of all migrant workers and members of their families" to the concept of "the human rights of migrants". As a result, certain important categories of migrants, such as victims of trafficking, undocumented migrants, and short-term contract workers, might not be captured under the term "migrant workers". Undocumented migrants by definition might not easily be recognized as refugees or acknowledged as migrant workers. Furthermore, distinctions between refugees, asylum-seekers, migrant workers and other migrants were becoming increasingly blurred.

34. Mr. Wickramasekara identified some of the basic principles of non-discrimination: access to employment, equal treatment in respect of remuneration and wages for performing the same work, freedom of association and the right to organize, rights to social security provisions and right to family reunification. He noted that the most seriously affected categories of migrants in Asia included women workers (domestic helpers and entertainers) who were afforded little or no protection because national laws invariably favoured employers.

35. Mr. Wickramasekara observed that while several of the ILO Conventions and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families were the major migrant-specific international instruments developed over the past 50 years to protect migrants, very little was being done to implement them.

36. The majority of States parties to these conventions were primarily migrant-sending States, which, while extremely important to the protection of migrants prior to departure and after return, had little influence over the daily living and working conditions of the majority of migrants.

37. The Chairperson-Rapporteur, Justice Bhagwati, making a complementary presentation on topic II, referred to recent studies in the region that highlighted the appalling living and working conditions of many migrants, even when they were lawfully residing within a receiving State. The situation of illegal migrants was far worse, as they faced numerous human rights violations, racial discrimination, untold misery and hardship. Often this situation produced an imbalance in the social and economic fields, threatening the jobs of national workers and undermining not only the terms and conditions of their employment, but also the commitment of people to laws and rules. He said that the ILO Conventions and relevant international human rights instruments referred to by Mr. Wickramasekera were not enough to ensure migrants' basic human rights, however, it was necessary for migrants to have the possibility of claiming the enforcement of such rights where they have been violated. In the absence of national and/or international mechanisms to deal with the enforcement of the rights conferred by ILO Conventions Nos. 97 and 143 and other international human rights instruments, very little could be achieved.

38. Justice Bhagwati urged States in the region to ratify the conventions relating to the rights of migrants. Greater awareness and human rights education were required to change the attitudes and mindsets of people with respect to the treatment of migrants and their families. States should strengthen their national mechanisms, such as courts, police and immigration officials and encourage the participation of national institutions in this process.

39. In the joint discussion on topics I and II which followed, many experts emphasized the connection between the two presentations and the undesirable link between racism and migration. An expert, Mr. Rajen Prasad, stated that Governments were generally reluctant to acknowledge that racism existed in their countries; and he urged Governments to make the necessary institutional and legislative changes in their respective countries. Mr. Skeldon noted that some Governments had made meaningful changes to immigration and labour policies and urged more Asian Governments to do likewise.

40. The representative of Indonesia pointed out that it was increasingly difficult to define migration and that many migrants tended to be incorrectly classified as refugees.

41. Mr. Raghavan Pillai, one of the experts, stated that it was necessary to study the distinct social factors that contributed to the problems of migration and trafficking in persons.

42. Mr. Skeldon argued that the discrimination faced by the migrants in Asia tended to depend on the type or category of migrant. A professional migrant would face a very distinct type of discrimination compared with that faced by an unskilled worker, for example, as they are in very different situations. Almost universally, however, no migrant can easily become a citizen of another Asian country; all are expected to return home.

43. Justice Bhagwati emphasized that NGOs and civil society had an important role to play in assisting migrants and in bringing all human rights violations to the attention of Governments.

IV. TOPIC III. RACISM, MIGRATION AND GENDER IN THE ASIAN REGION

44. Ms. Aurora Javate de Dios presented her paper "Racism, migration and gender in the Asian region" (HR/BKK/SEM.3/2000/BP.3). She stated that "feminization" had been one of the most significant features of Asian migration in recent years. She explained that many women were driven by the lack of adequate and satisfying work options at home and the promise of a better life to migrate as a survival strategy to support their families. In the fledgling economies of Asia, migrant women had become an economic cornerstone of development programmes.

45. Ms. de Dios explained the broad patterns and trends in female migration in Asia. In most countries in Asia, between 1976 to 1987 the percentage of women working overseas had increased from 15 per cent to 27 per cent and Asian women had rapidly outnumbered Asian men working in other countries. Most of the women were from the Philippines, Indonesia, Sri Lanka, Bangladesh and Thailand and their destinations were mostly countries in the Middle East, especially Saudi Arabia and Kuwait, and other Asian destinations such as Japan, Hong Kong, Singapore, Malaysia, the Republic of Korea and Taiwan.

46. The migration of Asian women reflected certain patterns and trends and "feminized" migration had distinctive characteristics, including: (i) the immediate push factors to migrate for work are the lack of adequate economic options for women and their marginalized political, economic and social position in society; (ii) a woman's decision to migrate is more likely a family decision and linked to family survival strategies; (iii) migrant women cluster and are concentrated in low-paying jobs, working as domestic helpers, helpers in restaurants and hotels, entertainers and nursemaids; these types of work expose them to exploitation, sexual harassment and abuse, or even outright prostitution; (iv) their work is premised on a social construct of women's work where docility, subordination and age are sought; these qualities are highlighted in stereotypical images in advertisements about domestic helpers and entertainers.

47. In addition to working in socially necessary but devalued work shunned by the nationals of the receiving country, migrant women tend to be unfamiliar with the language and culture of the receiving country and may be culturally, socially and economically alienated, a situation often aggravated by pre-existing racial stereotypes.

48. An increasing number of illegal or undocumented women migrants had become part of the ever-growing migrant population. Their undocumented status exposed them to greater risk and danger, including trafficking for prostitution and other forms of slavery-like practices. Economic desperation and lack of economic opportunities, armed conflict, or ethnic, religious and other political conflicts as well as natural disasters amplified and compounded the sense of powerlessness and intensified the drive of these women to migrate. She also explained that a booming and highly competitive migration-related recruitment and employment industry had aggressively promoted and facilitated female migration. This industry had generated underground operators and syndicates which produced fake documents, as well as corrupt government officials in sending and receiving countries who were instrumental in the movement of illegal migrants.

49. The treatment of migrant women workers was often characterized by covert and overt discrimination based on gender and race. Migrant women were subjected to numerous violations of their human rights including, but not limited to: violations of their right to security of the person and mobility through, for example, confiscation of their passports; violations of their political and labour rights through exclusion from the political process, limitations on their rights to free association and to linguistically, culturally and gender-sensitive information or counsel when arrested or detained, and cultural bias in the assessment of testimonies of victims in rape and harassment cases; violations of their economic rights including the right to receive equal pay for equal work, an agreed legal wage, social benefits and housing facilities; ghettoization in unskilled occupational categories, debt bondage and contract substitution; violations of their social and cultural rights including lack of facilities and time for the enjoyment of cultural and social life, denial of the right to enter into intercultural relationships and denial of admission of their children to schools; violations of their right to health by obligatory pregnancy and AIDS tests and lack of medical allowances. Many of these human rights violations are underscored by the general lack of any form of redress - legal, political, or administrative. Some of the violations are part of the institutional framework for the treatment of migrant women and other aliens.

50. Ms. de Dios noted that the International Convention on the Rights of All Migrant Workers and Members of Their Families failed to address the special and specific situation of the vulnerability and victimization of women, in particular the problem of sexual exploitation. Without an appreciation of the differentiation of women and men's work, there could be no safeguards against occupational segregation, unequal wages, as well as the recognition of gender-based violence often experienced by migrant women. She reminded the seminar that recent United Nations conferences such as the Fourth World Conference on Women, the International Conference on Population and Development and the World Social Summit had recognized the importance of protecting and promoting the rights of migrant workers, especially women migrant workers.

51. She concluded that unless women's economic and political position improved considerably in their home countries, it was likely that women would continue to migrate in great numbers. However, the temporary employment abroad for Asian migrant women was precarious as receiving countries also suffered periodic economic crises; this raised the issue of reintegration after and alternative options to migration.

V. TOPIC IV. THE LINK BETWEEN RACISM AND TRAFFICKING IN PERSONS IN THE REGION OF ASIA: AN OVERVIEW OF THE PROBLEM AND REGIONAL AND INTERNATIONAL MEASURES

52. Mr. Kinhide Mushakoji presented his paper entitled "The link between racism and trafficking in persons in the region of Asia: an overview of the problem and regional and international measures" (HR/BKK/SEM.3/2000/BP.4). He characterized trafficking in persons, especially international trafficking, as an extremely vicious form of discrimination and violence against women. He argued that trafficking in persons and the exploitation of the prostitution of others, as defined by the 1949 Convention of the same name, is conducted by the global sex industries (hereafter "GSI") in close cooperation with transnational criminal organizations.

53. International trafficking in persons is also a serious example of racial discrimination because while trafficking within a country may not necessarily involve specific groups of victims, contemporary forms of transnational trafficking, especially those associated with the global sex industries, had all the characteristics of what the International Convention on the Elimination of All Forms of Racial Discrimination defines as "racial discrimination". It involves the nullifying or impairing of the enjoyment or exercise on an equal footing of the human rights of its victims, especially by submitting them to different degrees of discrimination, exploitation and violence and because they constituted vulnerable groups because of their descent or national and ethnic origin.

54. He explained that often, racist and sexist ideology, structures and institutions could contribute to the "commodification" of women's sexuality. Some women of certain racial or ethnic groups were subjected to abuse in larger measure than others on account of racial attitudes and perceptions. Often, the sex trade from poorer countries to richer countries was not only conducted on the basis of the commercial value of the "workforce", but represented a "culture", particular to certain industrial countries, in which women's bodies are treated as commodities.

55. In Asia, international trafficking in persons within the contemporary global economic setting involved, in general, women and child victims from poor and vulnerable communities. In South Asia, discrimination based on descent or caste was also sometimes a factor.

56. He also stated that racism and xenophobia existed in different forms in different countries and led civil society and Governments to adopt rules and create institutions that were insensitive to the needs and security of the victims of trafficking, and which ignored their rights and dignity. Traffickers profited by exploiting the lack of State protection of women of certain races and/or social categories. Often racist public opinion masked the illegal activities of the criminal organizations by transferring the blame onto illegal migrant workers. Sometimes racism and racist perceptions were also at the root of sex tourism from industrial to developing countries. He cited the example of a guidebook for sex tourism which contained advertisements in which the women were described in highly racist terms.

57. Mr. Mushakoji argued that in Asia there is a "racist corridor" through which the workforce for the sex industries are replenished. There are innumerable trafficking routes from poorer regions to richer ones controlled by an international network of criminal organizations. These corridors isolate the victims who are trafficked through them, owing to racial prejudice and lack of concern on the part of the States and the civil societies outside the "corridor".

58. Once they had entered, the victims of trafficking were subjected to different forms of racial discrimination and exploitation. As foreign women, as women and young girls in prostitution, and as "illegal" migrants they did not have access to the protections and safety nets that protected the majority community. They face discrimination on multiple grounds as defined in the Racial Discrimination and Women's Conventions.

59. Mr. Mushakoji noted that although trafficking in persons has been a concern of many Governments in Asia, only the South Asian Association for Regional Cooperation (SAARC) had been considering a convention against it. He also referred to the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Although SAARC and its member States deserved praised for taking the initiative to draft a regional convention, much improvement was necessary. He argued that the SAARC and the United Nations initiatives to fight trafficking have a common defect in that they emphasize policing and law and order rather than the human rights of the victims.

60. A legal approach to individual cases of trafficking and exploitation is necessary but not sufficient in protecting the rights and guaranteeing the dignity of the victims of GSI. It is essential to focus on the different concrete situations where the victims are caught between the agents of GSI and the public authorities who fight against the illegal activities of GSI.

61. The exploitative nature of GSI will not end unless an integrated strategy is adopted to eliminate the racist and xenophobic tendencies in both the sending and the receiving countries. A programme of official development assistance (ODA) for the empowerment of potential victims and the survivors of trafficking based on personal security criteria should be developed to protect the women and children of vulnerable communities. Immigration laws and police

security measures should be revised in full respect of the human rights of all migrants, especially women. The civil society, the press, the information technology industry and the service industries related to GSIs, should develop guidelines for the protection and promotion of the rights of the victims and the survivors of trafficking.

62. Following the presentations by Ms. de Dios and Mr. Mushakoji, the seminar held a joint discussion on topics III and IV.

63. Mr. Skeldon stated that although the presentations cited discrimination and exploitation, he questioned whether these were indeed examples of "racism". He also indicated that a recent ILO/IPEC study had found that the recruitment of sex workers was highly localized, that is, many women were introduced into prostitution by social networks of friends or relatives, rather than traffickers. Another expert, Mr. David Kyle, stated that while the point about the social networks might be correct, did the women who "consented" really know what they were consenting to?

64. The observer for the Government of Japan asked whether any research had been conducted on the practices of these "global sex industries" and the specific issues of racism and trafficking.

65. The observer for UNESCO reminded the seminar that racial discrimination could not be combated through laws alone and that it was important also to change the minds and behaviour of people and the relationships between people. In this regard, education against racism was fundamental and should be included in the curriculum of secondary schools.

66. The observers for the Islamic Republic of Iran and China stated that some information referred to by Ms. de Dios was incorrect. The observer for the Hong Kong SAR clarified information regarding the two-week rule for domestic workers outlined in her report.

67. The observer for the Third World Movement against the Exploitation of Women stated that efforts by host countries and the countries of origin were fundamental to protecting the human rights of migrant workers, especially women and children. The seminar was reminded about the important role of NGOs in this regard. She emphasized the need for support structures for those who were suffering.

68. Mr. Mushakoji stated that is crucial to develop a well-integrated international plan of action, involving the United Nations, intergovernmental organizations and regional institutions, the NGO community, transnational business and the civil society, which focuses on the protection and promotion of the rights and dignity of the victims. It must also be preventive and forward-thinking by focusing on the survivors. Such a plan of action could include the following elements: (i) the potential victims must not be isolated, and must interact with survivors across communities and receive information about the fate of victims of trafficking; (ii) in the country of origin, the victims should have access to and be encouraged to rely on civil society and the police; (iii) the victims should be treated with respect by the immigration authorities of the destination country so that they can find support if they decide to escape their traffickers; (iv) once in the destination country, the victims must be assured that they will not be treated like criminals or "illegal" migrants; (v) at the site of their exploitation, the victims should receive

information about how they can find remedies; (vi) if they decide to break with GSI and denounce its agents, the victims should be permitted to stay in the country; they should not be subjected to forced repatriation.

69. The observer for UNIFEM commented that the focus with respect to trafficking should be on the demand.

70. The observer for the South Asian Human Rights Documentation Centre stated that Governments in the region should appoint focal points within relevant ministries to address the issue of migrant workers. He added that many countries had only refugee laws, but did not have immigration legislation.

VI. TOPIC V. CASE STUDIES ON TRAFFICKING, INCLUDING BOTH SENDING AND RECEIVING COUNTRIES

71. Mr. David Kyle presented a paper entitled "The social nexus of human trafficking in Asia: ethnic, gender and class discriminations" (HR/BKK/SEM.3/2000/BP.5) which highlighted the wide range of human trafficking flows, or what he termed "slave importing operations", in Asia. He presented three specific cases, examining the differences and similarities: slave importing operations in Nepal and India; the transnational importation of virgin women and girls from Myanmar to work in sex industries in Thailand; and the "mixed case" of slave importing and migrant exporting schemes in the Philippines. Common to all three case studies was that the victims tended to come from what he called the same trafficking nexus, that is, they were poor, ethnic-minority women from regions undergoing rapid socio-economic change, brought to a foreign land where they had few powerful advocates and whose labour was making someone very wealthy. Owing to their illegal status they had few legal rights and if they attempted to escape and went to authorities, they risked being fined, jailed, or deported.

72. Mr. Kyle defined human trafficking as the activity of procuring and transporting people across internal and international borders for the purposes of financial exploitation, often in the form of slavery. In most cases, victims are young women who end up being held against their will and forced to work as prostitutes and domestic or factory workers. While the term "human trafficking" tended to refer to cases where trickery and coercion were used, the term migrant or human "smuggling" was now typically used to describe cases where a would-be migrant contracted the services of a smuggler with no resulting forcible detention and exploitation, other than the often large smuggling fee which must be paid back at a usurious interest rate.

73. Mr. Kyle also made a distinction between "migrant exporting schemes" and "slave importing operations" in order to illustrate the important sociological and economic differences. He stated that slave importing schemes served mostly to provide labour for ongoing criminal operations in distant places, typically brothels and sweatshops, whereas migrant exporting schemes turned people's desire for a better life into a business by selling various types of export services. There was, of course, overlap between the two. He emphasized that the most important difference conceptually was not in levels of misery or human rights abuse but in the implications for the different kinds of social organization and political support required to address each problem and the different policy directions that implied.

74. Migrant exporting schemes might be complex, but they could be carried out with a few people and were short lived once the migrant had been successfully delivered. On the other hand, slave importing operations required differing numbers of people but always included ongoing criminality and, typically, official corruption in the destination country. Slave importing operations always involved many more people in the sending and receiving regions than the actual smuggler, who was more than likely not part of the upper echelons of the syndicate or investment group. Trafficking, however, was not just a matter of criminals and "rogue officials" and this had implications for any policy response.

75. Mr. Kyle emphasized that slavery was extremely profitable and that what was important was the end result, that is, that the human rights of the person being held in slavery were being violated. How that person had become a slave, and the question whether coercion was used, was no longer valid.

76. He also introduced the concept of "relative deprivation": in many cases, it was relative deprivation - one's perceived deprivation in relation to another - and not absolute, factual deprivation which motivated someone to migrate.

77. He noted that the social, political, and economic systems that provided the impetus and justification for the trade in human commodities were extremely complex. Slave importers and/or their accomplices often came from the same region as the victims.

78. Policies to end human rights violations connected to contemporary forms of slavery must, to be effective, address both supply- and demand-side issues and take into account conditions in the countries of origin, transit and destination. Development projects designed and implemented in close cooperation with NGOs working in the region were the most likely to have the best results.

VII. TOPIC VI. RACISM, TRAFFICKING AND THE HUMAN RIGHTS OF CHILDREN

79. Mr. Ghassan Salim Rabah presented a paper entitled "Racism, trafficking and the human rights of children" (HR/BKK/SEM.3/2000/BP.6). As a member of the Committee on the Rights of the Child (CRC), Mr. Rabah was well placed to ask the question whether children's lives had changed for the better since the adoption of the Convention on the Rights of the Child in 1990. Although some children had benefited, too many children still faced discrimination on the basis of gender, race, and ethnic and national origin.

80. Mr. Rabah reminded the seminar that article 2 of the Convention provides that: "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents or legal guardian's race, colour, sex, language , religion, political or other opinion, national, ethnic or social origin, property disability, birth or other status."

81. Mr. Rabah stated that children were trafficked for numerous reasons including sexual exploitation including prostitution, begging and other forms of hazardous and intensive labour, and adoption. Some of the reasons were applicable to adults, while others specifically to

children. Child workers were less likely to complain or to request regular. They made fewer demands in terms of housing and other conditions. Children were sometimes sought as prostitutes because clients believed they were less likely to have HIV/AIDS, or in the context of paedophilia.

82. He noted that a very practical consideration specific to the development and dependent nature of a child should be emphasized in the context of the issue of trafficking. An important element, from a criminal law and human rights perspective, in legal definitions of trafficking was the use of coercion at some stage of the trafficking process. Children were much more vulnerable to forms of coercion than adults. For example, a young child in a foreign country, where he or she does not speak the local language, have any relatives or money is almost entirely at the mercy of the people who transported him or her there.

83. Racism, racial intolerance and xenophobia added an additional element to the human rights violations and hardship suffered by children, making them both more vulnerable to being trafficked and less able to escape from their situation once they had been trafficked. He pointed out that the trafficking of children assumed a racial or xenophobic character in three different contexts. First, children from some racial groups might be more vulnerable to being trafficked because of the situation of poverty in which they lived, with limited access to education, housing, employment or even legal protection. Second, children from some racial groups, or indeed their parents, might be more likely to be targeted by traffickers because their racial identity is particularly sought after, for example in cases of adoption. Third, once they had been trafficked, children might be the victims of racism, racial discrimination, xenophobia or related intolerance on the part of officials or the general public in the destination country.

84. Since its inception, the Committee on the Rights of the Child had raised concerns with various countries in relation to the trafficking of children, including countries in Asia. Mr. Rabah pointed out that the pertinent extracts of Committee's concluding observations were annexed to his paper and that the list of countries where trafficking had been highlighted as a problem clearly demonstrated that it was an international phenomenon.

85. Trafficking had rarely been explicitly linked to racism or intolerance by the Committee, but it was a problem which was viewed as being one to which children from vulnerable groups were more susceptible. It was particularly seen as a product of poverty and groups who are the victims of racism, xenophobia and other forms of discrimination are disproportionately likely to experience severe economic hardship. They are also more likely to be illiterate and have less access to education.

86. The Committee found that the vulnerability of children separated from their parents meant that receiving States and States of origin were under a greater moral and legal obligation to take positive action for the protection and the promotion of the rights of trafficked children. The Committee also emphasized the need for: adequate domestic legislation (civil regulation or penal sanctions) to deal with traffickers; States to become parties to relevant bilateral, regional or multinational agreements; adequate care and rehabilitation for the child victims of trafficking; effective birth registration systems; and comprehensive and systematic efforts to collect disaggregated data to study how particular groups are affected by the trafficking of children.

87. A joint discussion was held on topics V and VI.

88. One of the experts, Ms. María Angela Villalba, emphasized that poverty was still the push factor in trafficking in the region no matter what terminology was used or whether it referred to women, men or children. She drew the attention of the seminar to the burden suffered by the children of migrants who were left behind in the country of origin. Often they were left unsupervised and suffered physical and sexual abuse. They suffered the emotional harm which resulted from being separated from their parents or families. There was also the particular experiences of the children of "mixed parentage", often the result of rape, who were ostracized in the country of destination and the country of origin.

89. The observer for China referred to the concluding observations that were annexed to Mr. Rabah's report and informed that seminar of the initiatives being undertaken by his Government. The observer for Thailand sought to correct some of the depictions of the situation in Mr. Kyle's paper and indicated that Thailand was undertaking several social reforms in this area. Likewise, the observer for Singapore indicated that trafficking was a criminal matter that the State was taking seriously.

90. The observer for the United Nations Volunteers noted that the seminar seemed to be focusing on cross-border trafficking, but pointed out that there was a great deal of trafficking within countries as well. Racism also occurred within borders, and the recommendations should reflect the two forms of trafficking.

91. The observer for the Third World Movement against the Exploitation of Women stated that the matter of extraterritorial government anti-trafficking initiatives as well as remedies for victims of trafficking must be explored. How could cases outside the country be pursued?

92. The observer for Indonesia indicated that children were often trafficked due to poverty, child destitution and family unit breakdown.

93. The observer for ILO reminded the seminar that all members of civil society must be integrated into the work against trafficking, and highlighted some achievements that had been made. He drew the attention of the seminar to the new ILO Convention No. 182 on the worst forms of child labour which also addressed trafficking and child soldiers.

94. Ms. de Dios stated that the issue of corruption in the trafficking problem raised the issue of impunity. She also cautioned the seminar against making an artificial distinction between children and adults. She also stated emphatically, that in the case of children, child prostitution was never a form of work but a form of criminal abuse.

95. Ms. Kanchada Piriyarangsan, one of the experts, stated that in addressing trafficking the focus should be on prevention and political will, not only on legal discussions and distinctions. Mr. Mushakoji agreed, and proposed that one preventative strategy was the provision of funding for programmes that fought violence against women. He indicated that Japan had contributed to a UNIFEM project in this regard, and he encouraged other Governments to follow suit.

96. The observer for the Canadian Race Relations Foundation stated that the issue was to reduce demand. She also stated that receiving countries ought to simplify their procedures for intercountry adoption, and NGOs should work with Governments to help prosecute cases.

97. It was mentioned that it could be detrimental to unreasonably criticize States. It was important to be more positive and to work in cooperation with States to address the problems of migration and trafficking.

98. The observer for the Asian Legal Resource Centre added that when discussing discrimination against migrants and trafficking, it was important to establish a clear distinction between "illegal" and "undocumented" migrants and trafficked persons and other migrant categories, such as professional workers.

VIII. TOPIC VII. THE HUMAN RIGHTS NEXUS BETWEEN RACISM, DISCRIMINATION AGAINST MIGRANTS AND TRAFFICKING IN PERSONS

99. Mr. Vitit Muntarbhorn presented his paper entitled "The human rights nexus between racism, discrimination against migrants and trafficking in persons: key developments in the Asian-Pacific region" (HR/BKK/SEM.3/2000/BP.7).

100. He stated that the root causes of trafficking were numerous and poverty was only one of several underlying factors. Other causes included the growth of commercialization, a decline in values, limited access to education and income generation, gender, racial and other forms of discrimination, negative cultural practices, family disintegration, urban-rural migration, and the less positive side of globalization involving massive clandestine movements of people. While poverty was often cited as a key factor behind human trafficking, there were many poor communities where trafficking was not a major problem while there were many rich countries where it was. Poverty might explain the supply factor, but it did not explain the demand factor which, he argued was linked to crime and criminality. What had to be tackled strongly was the local, national and transnational proliferation of crime linked with corruption, in addition to the promotion of other actions such as anti-poverty measures.

101. Trafficking required a variety of counteractions to prevent and overcome it, especially through the human rights nexus between education, effective laws, policies, programmes, mechanisms and activities to promote cross-cultural understanding.

102. Mr. Muntarbhorn pointed out that there already existed several international standards and treaties that contained provisions against human trafficking, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Both had recently been strengthened by Optional Protocols expanding the scope of their coverage. He reminded the seminar that the Convention on the Rights of the Child was the only treaty to which all Asian countries had acceded and it was a crucial entry point for human rights activities. The ILO Conventions, in particular those on migrant workers and forced labour, could also be used against trafficking.

103. These treaties suffered from too few accessions and ineffective implementation at the national and local levels. In addition, some States parties had entered reservations limiting the rights to their own nationals, thereby giving precedence to their national constitutions over international standards.

104. Mr. Muntarbhorn also outlined the myriad initiatives, programmes, meetings and arrangements at the local, nation and regional levels involving Governments, United Nations agencies and programmes, the ILO and IOM, NGOs and civil society that had taken place to combat trafficking and the problems associated with migration in the Asian region. He emphasized that it was vital for these organizations to coordinate and cooperate in order to avoid overlap and to ensure that the resources generated actually reached the victims and stakeholders.

105. Mr. Muntarbhorn stated that in some countries new laws had been introduced against trafficking. However, while one law might be aimed at protecting the rights of women and children, other laws might be detrimental to women and children who have been trafficked. For example, immigration laws designed to protect the population might be used against victims of trafficking who arrived without documentation and visas; in countries where prostitution was illegal, victims of trafficking might also be penalized as prostitutes. There was a clear need to reform the laws, by classifying trafficked persons as victims in a special humanitarian category rather than classifying them as illegal. Similarly, they should not put in jail but should be cared for in social support facilities pending their repatriation. Legal procedures might also serve to re-victimize the victim. For example, repeated questioning of the victim might lead to further trauma, and for the victim to face her trafficker in court would be another painful experience.

106. He also noted that restrictive national immigration policies that called for the prosecution and/or deportation of illegal immigrants or undocumented migrant workers, including victims of trafficking, could impede the protection of victims of trafficking who therefore should not be covered by such policies.

107. Mr. Muntarbhorn raised the issue of fostering behaviour that was respectful of human rights and cultural pluralism and conducive to preventing racial and other forms of discrimination through human rights education. It was regrettable that the educational systems of some countries contradicted human rights by propagating racism, xenophobia and intolerance. He advocated the promotion of human rights education for all and activities such as child/youth exchange programmes between communities and voluntary service in order to encourage inter-ethnic cooperation and cross-cultural understanding.

108. He stated that trafficking risked becoming "the flavour of the month" in the Asian-Pacific region because many agencies were ready and willing to support. He cautioned overloading agencies, NGOs and programmes without adequate preparation. Close coordination was needed to avoid wastage and to ensure that activities were sustainable. That would depend upon careful planning, implementation, evaluation and follow-up to ensure that the laws, policies, programmes, practices, mechanisms, resources, mindsets and behaviours reflected human rights, were reformed if they are substandard, and supported the rights and needs of the victims on a non-discriminatory basis.

109. He also reminded the seminar that many of the programmes on trafficking had not adequately borne in mind the question of racism in carrying out activities such as education, training, support systems, media programmes, law and policy reform, and civil society interaction to convey the message of non-discrimination and empathy towards the victims.

IX. PROTECTING MIGRANTS AND COMBATING TRAFFICKING IN PERSONS: NATIONAL LEGISLATION, REGIONAL ARRANGEMENTS, THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES, AND THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

110. In his paper entitled "Protecting migrants and combating trafficking in persons: national and regional efforts and relevant international conventions" (HR/BKK/SEM.3/2000/BP.8), Mr. Raghavan V. Pillai, member of the Committee on the Elimination of Racial Discrimination (CERD), enumerated several aspects that needed to be borne in mind when examining the situation of migration and trafficking in the Asian-Pacific region. Many of the countries in the region had not yet ratified some of the key international instruments. Among those that had ratified the conventions, very few countries had the required resource capabilities to establish institutional mechanisms to address basic human rights issues. Most notably, the region, apart from the informal arrangement of the Asia-Pacific Forum of National Human Rights Institutions, had yet to institutionalize regional mechanisms designed to address human rights issues.

111. Despite the many protections under article 16 of Migrant Workers convention, some had remarked that the Convention does not effectively deal with the vulnerability of women migrant workers, especially to prostitution and sexual abuse.

112. Five years after the Fourth World Conference on Women, the problem of trafficking remained a high priority on the international political agenda. Although many causes had been identified, studies had revealed that trafficking always involved the movement of persons from poorer countries to more wealthier ones. Mr. Pillai stressed that in relation to countries of origin, factors such as poverty and unemployment played a crucial role in trafficking, and they were further compounded by the indifference of some State authorities.

113. Although a number of countries in the region had legislation dealing with problems of migration and trafficking, there remained a general tendency within national laws to treat victims as offenders of law rather than as victims of poverty, enticement and ignorance. However, Mr. Pillai did acknowledge that some countries in the region had recently undertaken steps to review some of their national laws and to enact new laws on trafficking. Others had taken up programmes for the refinement of existing legislation in the context of evolving standards and new requirements.

114. The significant regional and subregional role played ESCAP in addressing the issue of trafficking was emphasized by Mr. Pillai. He also pointed out that a number of initiatives existed at the subregional level, particularly those by ASEAN, SAARC and the Asia-Pacific Forum of National Human Rights Institutions.

115. The Committee on the Elimination of Racial Discrimination was increasingly attentive to the issues of migration and trafficking in the context of racism and racial discrimination. One positive trend was that States parties in the region had embarked on affirmation action measures to ensure due participation of ethnic minorities in Government and to promote their economic development. Another State recently announced a "migratory amnesty" during a specific period and permitted the regularization of a large number of illegal migrants. Complaint units in all immigration centres facilitating the filing of complaints by foreign workers in cases where their human rights had been violated was another positive development in the region.

116. States were encouraged to ratify the Convention and to meet their obligation to report periodically. Mr. Pillai emphasized that it was mainly through this process of periodic reporting that enabled the Committee to acknowledge positive steps taken by States to deal with the issue of migrants and trafficked person. Universal ratification of the Convention and regular reporting would allow national efforts to be appreciated and evaluated, which in turn should lead to further refining of work at the national level and greater coordination at the international level. The role of civil society, particularly at the national level, was re-emphasized.

117. Following this presentation, there was joint discussion on topics VII and VIII.

118. Justice Bhagwati urged States to ratify the Migrant Workers Convention so that it could enter into force to coincide with the World Conference against Racism in 2001. There was also support for greater affirmative action measures by States.

119. The seminar considered how the international community could promote policies to address the challenge of trafficking and migrants. The following were proposed: States must seek to change the economic conditions and the patriarchal nature of society in the region; focal points should be created to address the issues; there should be no impunity for perpetrators of trafficking; the principle of justice, in the larger sense, should be kept paramount; the nexus between poverty, migration, trafficking and discrimination should be recognized.

120. Mr. Mushakoki proposed that States include information on trafficking in their reports to CEDAW and CERD.

121. Ms. Villalba said that there was a need to educate migrant workers and their families regarding their rights; national institutions should view trafficking as a human rights violation; and more information, especially on the informal regional mechanism and on returnees and reintegration, was needed to build a database for the region.

X. TOPIC IX: ACTION BY GOVERNMENT AND NATIONAL INSTITUTIONS: BEST PRACTICES AGAINST RACISM

122. Under this item, Mr. Rajen Prasad presented a paper entitled "Role of national institutions: best practices against racism" (HR/BKK/SEM.3/2000/BP.9bis). He highlighted the important role and ability of accredited national institutions to focus independently on a particular country's unique issues. The Asian-Pacific region had eight national institutions (the Philippines, Indonesia, India, Nepal, Sri Lanka, Australia, New Zealand and Fiji), which had met recently in New Zealand with the Council of Jurists to consider current legal human rights issues and to give guidance to the informal regional mechanism.

123. The Human Rights Commission of New Zealand, which is comprised of the Human Rights Commission and the Office of the Race Relations Conciliator, was cited as an example of a best practice against racism. The latter was established as a consequence of New Zealand's ratification of the Racial Discrimination Convention. The institution is responsible for promoting positive race relations in New Zealand and for investigating and resolving incidents of racial discrimination. The Australian Human Rights and Equal Opportunity Commission also had a dedicated Race Discrimination Commissioner.

124. In spite of the considerable experience on migration issues, the institution was only recently witnessing the nexus between trafficking and migration. It was suggested that national plans of action should include strategic approaches to the promotion of human rights and the relationships among peoples of different cultural backgrounds and include a particular emphasis on migration and trafficking.

125. In concluding his presentation, Mr. Prasad recommended that the World Conference engage in the demand for specific strategic approaches which could provide for policy and practice in fighting racism. As a practical suggestion, this policy guidance could bring societies closer together and help them confront their own difficulties. He further recommended that this approach be reviewed after the World Conference.

126. The observer for the IOM made a complementary presentation on best practices between Governments and relevant international organizations in the region. The seminar was informed of her organization's five areas of activity regarding trafficking in the region. There was direct assistance to victims to support sustainable return and reintegration in their country of origin.

127. She said that technical cooperation and capacity-building were important to help States deal with trafficking issues in terms of legislation, administration and structure. An example of such assistance was police training workshops that were being conducted in Thailand. She stated that information campaigns differed from country to country in the region. She also encouraged close partnerships between the relevant ministries to deal with movement of persons.

128. Some academic research on the phenomenon of migration which examined the various routes and some applied research had been undertaken to provide the most appropriate reintegration assistance in order to make the return more sustainable. At the field level, there

was increasing cooperation among the various partners, i.e., Governments, international organizations and NGOs. The role of NGOs in the implementation of activities in the field was strongly supported.

129. The role of IOM as a regional dialogue facilitator among Governments in the region was discussed in the seminar. Its participation in the region helped to ensure that migrations and trafficking received priority on the political and national agendas.

130. The observer for Thailand elaborated further on the importance of partnerships in the region to deal with trafficking. It was emphasized that this task could not be left to one Government alone to address. Adequate resources were another important factor in determining the extent to which Governments were able to undertake these efforts.

131. The seminar underlined the fact that because no single pattern of migration existed, there should be no "compartmentalization" of people and that each case of human rights abuse against a migrant was unique.

XI. TOPIC X: ACTION BY NGOs AND CIVIL SOCIETY: BEST PRACTICES AGAINST RACISM

132. Ms. Kanchada Piriyarangsan, Regional Social Development Adviser, presented her paper entitled "Action by NGOs and civil society: protecting migrant youths and children, experience of Save the Children UK" (HR/BKK/SEM.3/2000/BP.10) under this item. She emphasized the role played by NGOs to raise awareness, share experiences of good practices and highlight the concerns of vulnerable groups, particularly women and children.

133. The Convention on the Rights of the Child, which was the most widely ratified international human rights instrument, contained specific articles based on the principle of non-discrimination and it underscored that all rights apply to all children regardless of gender, ethnicity, religion, citizenship and disability.

134. In her introduction, Ms. Piriyarangsan informed the seminar of a process that had initially began as a purely migratory one but then led to forced relocation, deception, coercion and, ultimately, trafficking. Very often undocumented migrant youths and children, owing to their illegal status, were helpless and belonged to no particular state; they accepted poor conditions of employment - often some form of child labour - and they risked being arrested, deported, trafficked or sexually abused.

135. An example of best practice in preventing trafficking was community-based children's rights education for parents and local authorities in Cambodia. Thirty target communities benefited from the dissemination of information to parents on the deceptive tactics used by traffickers and human rights training of community leaders, local police and military personnel. The Central Welfare Department was also involved in the implementation and monitoring process, and it reported a successful outcome through higher school attendance, prosecution of some traffickers and the creation of informal "watchdog" centres against trafficking.

136. Ms. Piriyarangsan recommended that greater international protection was needed for undocumented migrant youth and children (UMYC) in the region. States should encourage the participation of UMYC in the process of subregional collaboration and/or bilateral policy dialogue on migrant issues to ensure that their survival needs were protected.

137. In presenting her paper entitled "Action by NGOs and civil society: protecting migrant youth and children" (HR/BKK/SEM.3/2000/BP.11), Ms. Maria Angela Villalba provided a historical perspective on some of the root causes of racism, discrimination and xenophobia in the region. The development of the labour market over the past 20 years and its impact on racism was also highlighted. The role of religious organizations and the services they provide for migrants without shelter, migrants in distress, and particularly women migrants were also touched upon by the speaker.

138. Several NGOs in the region were involved in tracing Japanese parents to recognize, support and grant nationality to their children fathered abroad. This project, undertaken by two NGOs, Malaga House and DAWN, was handling over 400 cases of children in the Philippines. Although many children could not be reunited with their fathers, the process had helped the children to achieve greater confidence and a sense of identity.

139. The seminar was reminded that education remained one of the most important tools for combating racism and that education against racism should be included in the formal educational curriculum. This recommendation should also be included in the outcome of the World Conference. Economic development of poor States in the region, which were also mainly sending States, should receive greater priority and assistance. Economic development reintegration initiatives should receive official and non-governmental aid.

140. Ms. Villalba recommended that new values and practices that uphold dignity and respect for every human being should be promoted in a region that had become increasingly pluralistic.

141. In the discussion which followed, Ms. de Dios urged States to put in place new laws and to replace archaic and discriminatory laws. There were too many loopholes in current legislation and criminals were abusing them for their own selfish gain.

142. The observer for ESCAP highlighted some of the Commission's initiatives in the region. The Bangkok Accord, recently adopted, highlighted the need for greater financial and human resources to carry out further research on migration and trafficking issues in the region. It also stated that the voluntary movement of citizens should not be obstructed, and it called for more sustained community-based partnerships.

143. The observer for UNESCO supported the recommendation for greater education and public awareness. He proposed that education on migration be integrated into formal school curricula.

144. The observer for UNDP also expressed his support for the recommendation calling for greater coordination between NGOs, Governments and specialized agencies in addressing the issue of migrants and trafficking.

145. At the request of the observer for the Asian Legal Resource Centre (ALRC), the Chairperson/Rapporteur agreed to allot some time to a discussion of issues of discrimination other than those identified as the theme of the meeting, such as the issue of Dalits, indigenous peoples and minorities. During this discussion, the observer for the ALRC said that the issue of caste was not limited to one country but concerned South-East Asia as a whole. It was also suggested that "marginalized groups" should be allowed to participate in the preparatory process for the World Conference and that they should be provided with the necessary resources.

XII. CONCLUSIONS AND RECOMMENDATIONS OF THE SEMINAR

146. At the last meeting of the seminar, on 7 September 2000, the Chairperson-Rapporteur presented a set of "draft conclusions and recommendations" based on the preceding discussions and contributions received from experts and participant observers. The draft document was distributed and it was reviewed and discussed. Due to time constraints, the Chair decided to invite written comments and amendments to be submitted to the secretariat within two weeks for inclusion. The Chairperson-Rapporteur, was entrusted with the responsibility of making further necessary revisions and for finalizing the report. These recommendations, as approved by the Chairperson-Rapporteur are set out below.

I. Conclusions

1. The Seminar noted that migration was the movement of people both within and across national borders and that people migrated, inter alia because of poverty, "perceived deprivation", racial discrimination, internal conflicts, lack of opportunity, discrimination against women, and to reunite separated families.

2. The Seminar also noted that trafficking was a major concern to the Asia- Pacific region and that the primary victims were women and children. Trafficking often involved the involuntary movement of people within countries and across boundaries, incited by coercion, trickery or deceit. Sometimes trafficking was a result of racial discrimination and/or the limited social and economic opportunities available to the trafficked persons and their families.

3. The Seminar further noted that:

(i) There was a critical and close relationship between the movement of people and discrimination, including such forms as racial discrimination, xenophobia and related intolerance;

(ii) These relationships were often of a long-standing nature, such that some contemporary issues of racism and discrimination were the result of long-ago migrations; and,

(iii) Trafficking and irregular migration were very often the result of the absence of avenues for legal migration.

4. The Seminar recognized that:

(i) Labour migration was largely from poorer regions to more prosperous regions and from less-developed to more developed countries. It was occasioned by poverty and scarcity of employment in the sending country and demand for labour in the receiving country;

(ii) Racism, racial discrimination, xenophobia and related intolerance might be deeply embedded as the cause and the effect of the migration of labour and the trafficking in human beings within a country and across national frontiers;

(iii) Racist ideology was often manifest in discriminatory immigration laws and practices which gave preference to entrants of a certain race, religion, or national or ethnic origin while excluding or making difficult the entry of persons belonging to a specific group based on their race, gender, colour, religion, or national, or ethnic origin;

(iv) Racist and sexist ideology, structures and institutions could contribute to the "commodification" of women's sexuality. Some women of certain racial or ethnic groups were subjected to abuse in larger measure than others on account of racial attitudes and perceptions;

(v) Persons, especially women and children, who were trafficked through deceit or by force were subjected to serious violations of their human rights and often became helpless prisoners in brothels and other establishments from which they could not escape;

(vi) Migrants and their families often suffered from indignities and could become the victims of unequal treatment and discrimination in remuneration and other conditions of work as compared to the nationals of the receiving country;

(vii) There was considerable trafficking in children in the countries of the region for sexual abuse, pornography, domestic work, and use for specific sports. This might be largely based on, and involve, racism and racial discrimination.

5. The Seminar also recognized that:

(i) The Constitutions of most countries in the Asia-Pacific region contained protections against racism and racist and religious discrimination. To make these protections enforceable in the national courts, they would have to be incorporated into domestic legislation, policy, practice and jurisprudence;

(ii) The enactment of legislation alone would not be sufficient to promote positive attitudinal and behavioural changes in the hearts and minds of people with regard to the scourge of racism and racial discrimination;

(iii) Such attitudinal and behavioural change was a slow process, which must be continually monitored.

6. The Seminar also recognized the positive political, economic and social roles and contributions of groups that faced discrimination and that the full participation of such groups was an essential element in eliminating all forms of discrimination.

7. The Seminar noted that there was no country in the region which was free from racism and racial discrimination as defined in the International Convention on the Elimination of All Forms of Racial Discrimination.

8. The Seminar welcomed regional initiatives on trafficking such as the Bangkok Accord and Plan of Action to Combat Trafficking in Women (1998) and the Asian Regional Initiative against Trafficking in Women and Children (Manila Declaration, 2000) and in particular noted the need for:

(i) Research, analysis and study of problems relating to migrant labour and trafficking in women and children;

(ii) Elaboration of National Plans of Action in each country referring, inter alia, to trafficking in and exploitation of women and children;

(iii) Preparation, in collaboration with NGOs, of an analysis of the national situation in regard to the problems of migrant workers within the territory and trafficking in women and children;

(iv) Establishment of special units in the law enforcement agencies, which would include female police officers, for dealing with issues of trafficking in persons, especially women and children;

(v) Prevention of trafficking in persons and the establishment of community-based organizations for combating trafficking;

(vi) Protection, rehabilitation and humanitarian treatment of victims of trafficking and punishment of those engaged in trafficking;

(vii) Repatriation of the victims of trafficking and their rehabilitation and reintegration in their country of origin; and,

(viii) Information in regard to monitoring mechanisms.

II. Recommendations

A. General

9. The Seminar urged the Governments in the region to demonstrate the political will needed to successfully establish and implement policies aimed at combating racism, and to pay particular attention to the manifestations of racial discrimination in the migration and trafficking of persons.

10. The Seminar encouraged the promotion of forms of good governance based on the principles of rule of law, equality and non-discrimination and that reflect the full diversity of a given State. A model code of conduct should be developed for political parties so those members of those parties refrain from public utterances that could encourage racism and racist sentiment among the public.

11. The Seminar urged the Governments to encourage the establishment of institutions and mechanisms that include representatives of Government, non-governmental organizations and grass-roots groups to protect against, and prevent, racial and gender-based violence against migrants and trafficked persons in host and transit countries, in situations of custody and incarceration and in the context of repatriation.

12. The Seminar urged the States to recognize the role of non-governmental organizations and grass-roots organizations as active partners in addressing the problems of migration and trafficking and in combating all forms of discrimination, and to secure their participation in all processes leading up to the World Conference against Racism.

13. The States should ensure that the mandates of all national and regional human rights mechanisms and institutions include the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance.

14. The World Conference against Racism should encourage all States and international, regional and civil society organizations to take all necessary steps to eradicate racial discrimination as defined in article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, to mean "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

15. The World Conference should urge all States parties to the Convention and others to conduct nationwide campaigns to raise awareness among State organs, such as the judiciary, law enforcement agencies, legislators, public officials as well as civil society organizations, including associations involved with migrants and other vulnerable groups, concerning the provisions of the Convention.

B. Racism and racial discrimination in the context of migration and trafficking

16. The Seminar noted that racist ideology and racial, ethnic and gender discrimination were root causes of migration and trafficking within countries and across national borders and occurred in both countries of origin and countries of destination. On the other hand, this ideology and racial and gender discrimination could create a demand in the region or country of destination which could contribute to migration and trafficking.

17. Similarly, racist ideology was manifested in discriminatory immigration laws and practices which gave preferences to nationals of some countries while excluding or making difficult the entry of nationals of other countries. This was the result of racist and stereotyped attitudes towards certain groups. States should make greater efforts to investigate and address the root causes of migration and trafficking, including poverty, political and social oppression, ethnic, religious and gender- and caste-based discrimination, and situations of violence and armed conflict.

18. The States should identify and address the root causes of migration and trafficking such as poverty, unemployment, political and social oppression and social exclusion, as a first step towards eliminating all forms of discrimination against trafficked persons and migrants and their families. In this context, the World Conference should underline the importance of all human rights, in particular the realization of economic, social and cultural rights and the right to development.

19. The States should acknowledge, redress and reform legislation, policies and programmes which have racist content or racist effect, and those which have marginalized, displaced or severely discriminated against indigenous peoples and have contributed to the deprivation of their land rights, the destruction of their cultures and have heightened their vulnerability to migration and trafficking.

20. The Seminar noted that while the socio-economic process referred to as "globalization" had brought greater economic opportunities, it had also contributed to widening the gap between rich and poor within and across countries in the Asia-Pacific region. The Seminar identified three features which have contributed to the problems of migration and trafficking:

(i) The benefits of globalization were extremely uneven and it had deepened inequality in the region;

(ii) It has led to deeper divisions along racial, gender and class/caste lines while contributing to and exacerbating a feeling of "perceived deprivation" in relation to others; and,

(iii) This process had been accompanied by more restrictive migration and asylum policies in more developed countries as well as labour deregulation policies in underdeveloped countries, leading to an increase in trafficking in persons and irregular migration.

21. The World Conference should recommend that any economic development programmes in sending countries must ensure that they do not simply further entrench elites whose positions are often legitimized by discriminatory attitudes engendered by racism, sexism, ethnicity and class/caste. Receiving countries should take necessary measures, including reviewing immigration laws and policies, to adjust to these new circumstances and the effects of economic globalization.

1. Migrants

22. The Seminar noted with regret that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) had not yet come into force on account of the absence of the required number of ratifications and urged States that had yet done so, to ratify the Convention.

23. Given the increasing feminization of migration, it is recommended that special focus be put on gender issues and gender discrimination, particularly the multiple jeopardy that occurs when gender, class, race and ethnicity intersect. Human rights treaty bodies, in particular CEDAW, CERD and CRC, should pay special attention to this area when examining periodic reports of States parties that are countries of origin and/or destination. Detailed research should be undertaken not only in respect of human rights violations perpetrated against women migrants, but also on the contribution that women make to the economies of their countries of origin and destination/host countries.

24. The Seminar noted with concern the vulnerability of a new subgroup of migrant children whose numbers were increasing, namely the children of migrant women who had been raped; children of mixed parentage and children of migrants born in the destination/host country. These children were subjected to racial discrimination and were often stigmatized not only in host countries but also in their home communities and countries.

25. The Seminar recommended that the relevant authorities, institutions and organizations study and identify the vulnerabilities and needs of children in order to provide immediate relief and to establish mechanisms that would affirm their identity as integral parts of their community.

26. The Seminar recommended that immediate steps be taken to provide education, training and skills development to women and children in order to diminish so as to their vulnerability and thereby reduce the incidence of migration.

27. Subjects relevant to the interrelationship of migration, racism and xenophobia should be incorporated in the curricula of formal and informal education both in labour-receiving and labour-sending countries so that children and adults alike could become aware of the economic and cultural nexus between migration and racism - which will result in the appreciation of diversity and the development of tolerance.

28. The Seminar recommended that further studies be conducted on how racism, racial discrimination, xenophobia and related forms of intolerance were reflected in laws, policies, institutions and practices and how this had contributed to the vulnerability, victimization and exclusion of migrants especially women and children.

29. The World Conference against Racism should recognize forced migration of populations as a manifestation of racism and should urge States to ban forced migration of populations and to take effective remedial measures, including providing for reparation to and withdrawal of these populations.

30. The Seminar urged States to ensure to victims of racial discrimination and racial violence, in particular the most vulnerable groups, including migrants, their right to seek from tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

31. The Seminar noted that the resolution of migration-related problems such as racism, xenophobia, and related intolerance and possible conflicts that resulted therefrom should be shared and that international responsibility requires the full commitment of both sending and receiving countries. The Seminar urged States to modify immigration legislation and policies in order to improve accessibility to legal avenues for migration, and ensure transparency of the processes related to migration.

32. The Seminar recommended that States review and revise immigration laws and policies in order to harmonize them with the realities of actual presence and importation of migrant labour, e.g. by creating an "unskilled and semi-skilled workers" labour category separate from categories under the trainee system.

33. Labour-receiving countries of the region should adopt labour laws based on minimum international labour standards and should introduce procedures and assistance for migrant workers to ensure their protection under those laws. They should also, in consultation with employers' and workers' organizations and NGOs, modify their immigration policies taking into consideration their short-, medium- and long-term labour market needs and the basic rights of migrant workers.

34. The Seminar recommended the inclusion of domestic work in the formal labour laws so that domestic workers, who were mainly women, were accorded recognition as workers and were not treated as the property of their employers and were provided protection under the law, social security, access to legal assistance and other benefits.

35. Countries in the region should establish better information and data systems on migration movements and should undertake policy analysis and review legislation and procedures on migration policies. In addition, States were encouraged to create National Focal Points or statutory bodies to monitor the status of the migrant workers and their families. Specialized agencies and other concerned institutions should provide assistance in the accomplishment of those activities as necessary.

36. States in the region were encouraged to support the establishment of associations of migrant workers and to remove all barriers to their freedom of association, as identified in the Universal Declaration of Human Rights.

37. The World Conference should address the effects of economic globalization on migration trends and the resurgence of racism, racial discrimination and xenophobia and related intolerance.

38. Criminalizing, dehumanizing and stereotyping migrants as social commodities represented a dimension of victimization and were a manifestation of racial discrimination.

39. The World Conference against Racism should encourage countries receiving migrants to safeguard their human rights, particularly those of unaccompanied minors. Additionally, migrants should not be detained and countries of origin must strictly enforce laws against the illegal exit of migrants, especially minors.

40. Governments of labour-sending and -receiving countries should institute policies, programmes and specific measures aiming towards the planned, safe and productive reintegration of migrants in their home countries. The Seminar underlined the need for intensive efforts to assist the NGOs involved in these reintegration programmes and initiatives and that they should be provided financial support by Governments and international organizations.

41. It was recommended that enforcement strategies and migration control measures should be accompanied by relevant training of public officials and institutional capacity-building in sending countries in order to reduce corruption.

2. Trafficking

42. The World Conference should recognize that certain racial and ethnic groups, indigenous peoples, migrants and the poor in society become victims of trafficking because of their vulnerability and that all States need to take effective measures to improve the civil, political, economic, social and cultural status of such persons, with specific programmes of affirmative action.

43. The World Conference should urge States to take special measures to ensure that every child, woman and man is registered and issued with legal identity documents to reduce the incidence of statelessness and trafficking. This preventive measure would protect individuals and gain them access to available legal procedures and remedies and development opportunities.

44. The Seminar recommended that strategies to combat trafficking should be comprehensive and multisectoral in their approach and involve several key partners. They should be directed towards:

(i) Addressing the root causes of poverty: lack of education, awareness, equal access to productive resources and employment;

(ii) Protection strategies that address aspects pertaining to the safe rescue, return and reintegration of persons who have been trafficked;

(iii) Promotion, through the enactment of appropriate laws at the national level, of the effective investigation of cases and the prosecution of traffickers;

(iv) Regional and bilateral reciprocal arrangements and mechanisms to promote the harmonization of laws and practices in the region; and,

(v) Sensitizing State actors to the experiences and needs of women and children who are at risk of being, and who have been trafficked.

45. States should encourage the business sector, in particular the tourist industry and Internet providers, to develop codes of conduct with a view to protecting trafficked persons, especially those in prostitution, against gender-based and racial discrimination and promoting their rights, dignity and security. States should encourage the establishment of independent civil society committees to monitor compliance with such codes of conduct.

46. The World Conference should encourage all States to develop national laws that deal with trafficking in persons, and allocate resources to ensure law enforcement and the creation of adequate judicial institutions to deal with trafficking cases. States should be further encouraged to create inter-ministerial task forces or national focal points to combat trafficking in persons.

47. The World Conference should encourage all States to develop bilateral and cross-border cooperation to eliminate trafficking in persons. This should allow for cross-border arrests and prosecution.

48. The World Conference should encourage States to take effective measures for the rehabilitation of the victims of trafficking and to recognize the important role played by NGOs in rehabilitation programmes and the needs of NGOs for financial support.

49. The World Conference should address the different manifestations of trafficking of women and children, in particular the abhorrent acts of trafficking of children for prostitution, pornography, slavery and domestic work.

50. As part of a comprehensive strategy to reduce the demand for trafficked children and infants, both sending and receiving States should seek ways to simplify procedures in order to reduce the waiting period for legitimate adoptions.

51. The World Conference should recommend that the General Assembly declare a United Nations Year or Decade against Trafficking in Persons, especially in Women and Children.

52. The World Conference should recommend that the High Commissioner for Human Rights coordinate the efforts of treaty bodies, specialized agencies, regional organizations, intergovernmental organizations and NGOs in respect of the racist dimensions of trafficking and that she monitor actions resulting from such efforts.

53. The Seminar recommended that the Office of the High Commissioner for Human Rights (OHCHR) continue and strengthen its efforts to protect and promote the human rights and the dignity of victims and potential victims of trafficking, especially women and children. The World Conference should encourage Member States to support the Office of the High Commissioner for Human Rights, financially and otherwise, in these efforts.

54. The United Nations should make adequate budgetary allocations to the Office of the High Commissioner for Human Rights to address trafficking of persons through its technical cooperation programme. States should be called upon to create a United Nations voluntary fund to eradicate trafficking.

55. The High Commissioner for Human Rights should continue her efforts to ensure that the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons and the draft Protocol against the Smuggling of Migrants by Land, Air and Sea - both supplementing the United Nations Convention on Transnational Organized Crime - maintain a focus on the human rights of the victims of trafficking and that the text reflect the principles of non-discrimination contained in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

C. Ratification and implementation of relevant international instruments

56. The Seminar noted with regret that there were several countries in the region which had not ratified the relevant United Nations and International Labour Organization Conventions. States should be urged to ratify those international treaties and to undertake to comply with the obligations contained therein. States should be requested to review legislation which affects migration and trafficking in order to tackle racism and racial discrimination and/or introduce new legislation.

57. States should give priority consideration to ratifying without reservation the principal United Nations conventions and the major International Labour Organization conventions relating to migrants, including:

The International Covenant on Civil and Political Rights;

The International Covenant on Economic Social and Cultural Rights;

The International Convention on the Elimination of All Forms of Racial Discrimination;

The Convention on the Elimination of A Forms of Discrimination against Women;

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

The ILO Migration for Employment Convention (Revised) (No. 97), 1949;

The ILO Migrant Workers Convention (Supplementary Provisions) (No. 143), 1975 and the accompanying Migrant Workers Recommendations (No. 151), 1975;

The ILO Worst Forms of Child Labour Convention (No. 182), 1999, which makes specific reference to trafficking in children.

58. The World Conference should in particular encourage States that have not yet done so to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination without any reservations or declarations within a time-bound period. Further, the Seminar welcomed the "universal" ratification of the Convention of the Rights of the Child and encouraged Member States to fully implement the provisions contained therein, without reservations.

59. Governments were urged to ensure consistent and effective enforcement of existing international standards regarding the prohibition of discrimination against minorities and migrants and to ensure that migrants enjoyed all human rights.

60. The Seminar recommended that States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child submit their reports in a timely and comprehensive manner. In particular, when reporting to the respective committees, Member States should report more fully on the actual situation of vulnerable groups, including racial discrimination against trafficked persons, migrants, women and children.

61. States parties to the various human rights conventions should ensure appropriate follow-up to the conclusions, recommendations, comments and views of the treaty bodies in respect of racism, trafficking and migrants.

62. States should ensure that children and families of migrants and trafficked persons are adequately protected and enjoy fully the rights contained in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of the Child.

D. Bilateral, regional and international cooperation

63. States should be encouraged to establish mechanisms which could play a positive role at the regional level in fostering racial tolerance and which could address issues of common concern with respect to migration policy and practice.

64. Countries of origin and destination should be encouraged to enter into additional bilateral agreements that would protect all migrants, particularly women and children, and would include preventive measures against possible abuses.

65. States in the region should promote bilateral, regional and international cooperation using, whenever possible, existing and pertinent mechanisms and frameworks such as the Association of South-East Asian Nations (ASEAN), Bangkok Accord and Plan of Action to Combat Trafficking in Women (1998) and the Asian Regional Initiative against Trafficking in Women and Children (Manila Declaration, 2000).

66. States should, wherever appropriate, make efforts to bring into any other regional forum issues of racism and racial discrimination in the context of migration and trafficking. In this regard, regional organizations such as ASEAN, Asia-Pacific Economic Cooperation (APEC) and the South Asian Association for Regional Cooperation (SAARC) should initiate or deepen dialogue and action on these issues. This may include cooperation on law enforcement procedures, the harmonization of legislation, information-sharing and modalities of return procedures.

67. In the implementation of the relevant international conventions, States may wish to seek technical assistance and cooperation from one another as well as from specialized agencies and organizations such as ILO, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the OHCHR.

E. Sensitization progammes

68. The Seminar encouraged the elaboration of sensitization and capacity-building programmes for educators, social welfare personnel, and members of the judiciary and police that sensitize them to provide services and to handle cases in a just and humane manner and assist them in understanding the social consequences of migration and trafficking of persons, particularly women and children.

69. The Seminar recommended that police and immigration officials receive training in the application of international human rights standards such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination and that the successful completion of such training progammes be made one of the criteria for promotion. In this connection, OHCHR should be invited to provide the necessary training manuals.

70. The Seminar noted that increased public awareness would play a vital and fundamental role in the fight against racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels. The launching of educational and training programmes was essential and should focus on the key notion that the human person, regardless of race, colour, creed, ethnicity and religion, belongs to the "whole human family".

71. States should be encouraged to involve civil society organizations in awareness-raising and in the monitoring, evaluation and implementation of governmental policies and programmes.

72. As part of a comprehensive strategy to stem "migrant trafficking", receiving countries should be encouraged to cooperate with the country of origin to conduct culturally and linguistically sensitive public education campaigns in affected communities.

73. Awareness and greater social and political respect for all forms of diversity and greater recognition of the contributions of migrants should be encouraged through educational curricula, community programmes and the mass media.

74. Solutions to the issues of racism in migration and trafficking should be formulated in the context of both the countries of origin and of destination. The role of countries of origin in educating, informing and assisting its nationals, as well as instituting effective measures to track, monitor and prosecute smugglers and traffickers of persons was of paramount importance in any effort to successfully tackle the issue of racism and racial discrimination.

75. Human rights training, anti-racism training and dissemination were essential to prevent and overcome racist and discriminatory attitudes and behaviour. They should emphasize ethical attitudes and conduct. They should be complemented by an understanding of daily life situations as distinguished from "book learning". Community programmes, such as voluntary service for young people of different racial and ethnic backgrounds, were key to promoting cross-cultural empathy and to countering racism, racial discrimination, xenophobia and related intolerance. They were a crucial part of "learning by doing".

F. Best practices

76. National plans of action should include specific references to a country's race relations strategy and its methods for realizing the benefits of ethnic diversity. National human rights institutions should collaborate to develop a manual of "best practices" for combating racism.

77. The United Nations should compile best practices/models resulting from projects and programmes undertaken by both Governments and NGOs in combating racism. A chapter in this compilation should address racism, racial discrimination, xenophobia and related intolerance manifested in policies and programmes related to the treatment of victims of trafficking and illegal migration. Such a compilation should include model legislation, educational and training materials, and examples of successful media campaigns.

78. The Seminar recommended that States in the region, with the support of NGOs, establish support structures for survivors of exploitative migration and trafficking both in the country of destination as well as the country of origin, such as shelters, skills training, access to legal and health services, and the possibility of acquiring visa extensions.

79. The Seminar noted that steps should be taken by States to improve the database on international migration, on the numbers of those moving illegally and the characteristics of those being trafficked.

80. The Seminar recommended that destination countries closely re-examine their immigration policies to ensure that there was no significant mismatch between the demand for labour and the legal means of recruiting labour.

81. NGOs should be closely involved not only in implementation but also in the development of policies against racism and racial discrimination and related issues of trafficking and migration.

82. States should place more emphasis on the development of a strategic approach to combating racism and racial discrimination. Such a strategy should include a sensitization and education component and form part of a country's national plan of action.

83. Efforts should be made to promote cooperation and coordination among international agencies and donors in their activities aimed particularly at eliminating all forms of discrimination with a view to maximizing financial and technical resources. Exchanges of information and experience at the regional level should be further strengthened, taking into account the role that regional organizations and the United Nations regional commissions could play in this regard.

Appendix I

LIST OF PARTICIPANTS

Experts

Mr. P.N. Bhagwati, United Nations Human Rights Committee

Ms. Aurora Javate de Dios, Coalition against Trafficking in Women, Philippines

Mr. David Kyle, University of California at Davis, United States

Mr. Vitit Muntarbhorn, Chulalongkorn University, Thailand

Mr. Kinhide Mushakoji, International Movement against All Forms of Discrimination and Racism, Japan

Mr. Raghavan Pillai, United Nations Committee on the Elimination of Racial Discrimination

Mr. Rajen Prasad, New Zealand Human Rights Commissioner

Ms. Kanchada Piriyarangsan, Save the Children (United Kingdom), Thailand

Mr. Ghassan Salim Rabah, United Nations Committee on the Rights of the Child

Mr. Ronald Skeldon, Asian Migration Consultant, Thailand

Mr. Piyasiri Wickramasekara, ILO/East Asia Multidisciplinary Advisory Team, Thailand

Ms. Maria Angela Villalba, Migrants Form Asia, Philippines

States Members of the United Nations represented by observers

Australia, Bangladesh, Bhutan, China, Hong Kong (China), Macao, Special Administration Region (China), Democratic People's Republic of Korea, France, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Kazakhstan, Malaysia, Mongolia, Myanmar, Netherlands, New Zealand, Pakistan, Philippines, Republic of Korea, Russian Federation, Singapore, Sri Lanka, South Africa, Thailand, United Arab Emirates, United Kingdom, United States of America.

United Nations Bodies, Specialized Agencies And Intergovernmental Organizations Represented By Observers

Food and Agriculture Organization of the United Nations, International Labour Organization, Joint United Nations Programme on HIV/AIDS, United Nations Children's Fund, United Nations Development Programme, United Nations Development Fund for Women, United Nations Educational, Scientific and Cultural Organization, United Nations International Drug Control Programme, United Nations Office of the High Commissioner for Human Rights (Cambodia Office), United Nations Volunteers.

Inter-governmental organizations represented by observers

European Commission, International Organization for Migration

Non-governmental organizations represented by observers

Asian Cultural Forum on Development, Asian Human Rights Commission, Asian Legal Resource Centre, Asian Pacific Forum on Women, Law and Development, Asian Women Human Rights Council (Philippines), Catholic Commission on Migration (Women's Desk), Equality Now, Human Rights Watch, Indian Council of Education, International Catholic Migration Commission, International Council of Women, International Institute for Non-aligned Studies, ISIS - International Manila, International Movement for Fraternal Union among Races and Peoples, Muslim World League, Netherlands/NOVIB, The Pan Pacific and Southeast Asia Women's Association of Thailand, Save the Children (Sweden), Save the Children (United Kingdom), South Asia Human Rights Documentation Centre, Third World Movement against the Exploitation of Women, World Council of Churches, Women's Federation for World Peace, World Movement of Christians Workers, World Peace Council

National Institutions

Indonesian National Commission on Human Rights, Malaysia Human Rights Commission, Nepal National Human Rights Commission

Secretariat

United Nations Office of the High Commissioner for Human Rights, Geneva

United Nations Economic and Social Commission for Asia and the Pacific, Bangkok

Appendix II

AGENDA

1. Opening of the session

2. Topic I. Discrimination against Migrants in the Asian Region: General trends, priorities and obstacles in combating racism and racial discrimination, xenophobia and related intolerance

3. Topic II. The Human Rights of Migrants: The Principle of Non-Discrimination, Social Responsibility and Development

4. Topic III. Racism, Migration and Gender in the Asian Region

5. Topic IV. The Link between Racism and Trafficking in Persons in the Region of Asia: An overview of the problem and regional and international measures

6. Topic V. Case Studies on Trafficking, including both sending and receiving countries

7. Topic VI. Racism, Trafficking and the Human Rights of Children

8. Topic VII. The Human Rights Nexus between Racism, Discrimination against Migrants and Trafficking in Persons

9. Topic VIII. Protecting Migrants and Combating Trafficking in Persons: National Legislation, Regional Arrangements, the International Convention on the Protection of Migrant Workers and Their Families, and the International Convention on the Elimination of All Forms of Racial Discrimination

10. Topic IX. Action by Governments and national institutions: best practices against racism

11. Topic X. Action by NGOs and civil society: best practices against racism

12. Conclusions and recommendations

13. Closing

Appendix III

LIST OF DOCUMENTS

Provisional Agenda

Ronald Skeldon, "Discrimination against Migrants in the Asian Region: General Trends, Priorities and Obstacles." (HR/BKK/SEM.3/2000/BP.1)

Piyasiri Wickramasekara, "Migrant Workers in Asia and the Pacific: Issues in Human Rights and the Principle of Non-Discrimination." (HR/BKK/SEM.3/2000/BP.2)

Aurora Javate de Dios, "Racism, Migration and Gender in the Asian Region." (HR/BKK/SEM.3/2000/BP.3)

Kinhide Mushakoji, "The Link between Racism and Trafficking in persons in the Region of Asia: An Overview of the Problem and Regional and International Measures." (HR/BKK/SEM.3/2000/BP.4)

David Kyle "The Social Nexus of Human Trafficking in Asia: Ethnic, Gender and Class Discriminations." (HR/BKK/SEM.3/2000/BP.5)

Ghassan Salim Rabah, "Racism, Trafficking and the Human Rights of Children." (HR/BKK/SEM.3/2000/BP.6)

Vitit Muntarbhorn, "The Human Rights Nexus between Racism, Discrimination against Migrants and Trafficking in Persons: Key Developments in the Asia-Pacific Region." (HR/BKK/SEM.3/2000/BP.7)

Raghavan V. Pillai, "Protecting Migrants and Combating Trafficking in Persons: National and Regional Efforts and Relevant International Conventions." (HR/BKK/SEM.3/2000/BP.8)

Shaista Shameem, "Action by Governments and National Institutions: Best practices against Racism." (HR/BKK/SEM.3/2000/BP.9)

Rajen Prasad, "The role of national institutions: best practices against racism." (HR/BKK/SEM.3/2000/BP.9bis)

Kanchada Piriyarangsan, "Action by NGOs and Civil society: Protecting Migrant Youths and Children - Experience of Save the Children U.K." (HR/BKK/SEM.3/2000/BP.10)

Maria Angela Villalba, "Action by NGOs and civil society to combat racism and other forms of discrimination: best practices."(HR/BKK/SEM.3/2000/BP.11)